IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 10TH APRIL 2007 / 20TH CHAITHRA 1929

WP(C).No. 10298 of 2007(A)

PETITIONER:

M.SAVITHRI,AGED 42 YEARS,HSA,T.R.K
H.S.S VANIYAKULAM,PALAKKAD DISTRICT.

BY ADV. SRI.M.SASINDRAN
SRI.TOJAN J. VATHIKULAM

RESPONDENTS:
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1. THE DISTRICT EDUCATIONAL OFFICER,
PALAKKAD.

2. THE DEPUTY DIRECTOR OF EDUCATION,
PALAKKAD.

3. THE HEADMISTRESS,T.R.K H.S.S
VANIYAMKULAM,PALAKKAD DISTRICT.

4. STATE OF KERALA REP.BY SECRETARY TO
GOVERNMENT DEPARTMENT OF GENERAL EDUCATION,
SECRETARIAT,THIRUVANANTHAPURAM.

R1, R2 & R4 BY GOVERNMENT PLEADER (SHRI A. J. VARGHESE)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 10298 OF 2007 A

Dated this the 10th April, 2007

JUDGMENT

Petitioner was granted half pay leave from 1.6.2000 to 31.3.2000 and leave without allowance from 1.9.2000 to 30.3.2001 for study purpose under Rule 91 Part I KSR. It is submitted that increment was granted for the said period. However, Ext.P3 pay fixation is objected to vide Ext.P4 on the basis that as per Part I Rule 33(b)(2) KSR, leave granted vide Rule 91 will not count for increment. Petitioner relies on Ext.P5 Circular. The third respondent Headmistress filed Ext.P6 representation. By Ext.P7, however, the second respondent Deputy Director also has taken the same view. Petitioner challenges Exts.P4 and P7 and seeks a direction to the first respondent to accept the pay revision option and statement of fixation submitted by petitioner based on the 2006 pay revision, with effect from 7.6.2005 as applied for in Exts.P2 and P3 and to fix the pay of the petitioner accordingly. She seeks a

declaration also.

2. Heard the learned counsel appearing for the petitioner and the learned Government pleader. Petitioner relies on a Judgment of this Court in Deepika v. State of Kerala (2007 (1) KLT 71). I feel that in the light of the said Judgment, the fourth respondent has to look into the matter and take a decision. In such circumstances, the Writ Petition is disposed of directing the fourth respondent to consider the question of entitlement to increment, bearing in mind the decision of this Court in Deepika v. State of Kerala (2007 (1) KLT 71) and take a decision in accordance with law in the case of the petitioner, within a period of one month from the date of receipt of a copy of this Judgment.

K. M. JOSEPH, JUDGE

kbk.